

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:21-CR-62-1M

UNITED STATES OF AMERICA

v.

KEVIN DARNELL SMITH,

Defendant.

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**ORDER STAYING  
DEFENDANT'S RELEASE**

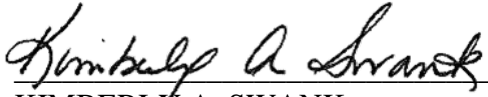
This case came before the court for hearing today on the government's oral motion, pursuant to 18 U.S.C. § 3142(f), to detain defendant pending trial. Finding that defendant had rebutted the presumption of detention set forth in 18 U.S.C. § 3142(e)(3) and based upon its consideration of the factors set forth in 18 U.S.C. § 3142(g), the court ordered that defendant be released upon his compliance with specified conditions. The government then indicated its intention to seek review of the release order by the presiding District Judge, pursuant to 18 U.S.C. § 3145(a)(1), and made an oral motion that defendant's release be stayed pending such review.

The government's motion for stay shall be ALLOWED on the following terms:

1. At or before 4:30 p.m. on February 25, 2021, the government shall file a motion for review of the release order or a notice informing the court the government will not be appealing the release order.
2. The release of defendant shall be STAYED, and he shall remain in custody until 4:30 p.m. on February 25, 2021, pending filing of any motion for review.
3. If the government files its motion for review by 4:30 p.m. on February 25, 2021, the stay shall continue in effect until the court's resolution of the government's motion.

4. If the government does not file a motion for review by 4:30 p.m. on February 25, 2021, the stay shall terminate at that time and the defendant shall be released pursuant to the terms and conditions of the Order Setting Conditions of Release entered February 25, 2021.

SO ORDERED, this 25th day of February 2021.

  
KIMBERLY A. SWANK  
United States Magistrate Judge